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ABSTRACT

A definition and rationale for full equity under Title IX legislation in terms of outcomes for students and benefits for school districts are given in this article. The relationship of compliance to equity is explored through an analysis of short-term and long-term costs and benefits for students and schools in both minimal and maximal equity responses. This article is an abridged version of a longer paper. (Author/ML)

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Title IX Compliance and Sex Equity

Rita Bornstein

I. INTRODUCTION

The Title IX Legislation prohibiting sex discrimination in Federally assisted education institutions was a congressional response to patterns of institutionally perpetuated inequities based on sex. Although significant changes have occurred in schools as a result of the law, many systems have limited their responses to the achievement of minimum legal compliance. The experience of those working in the field clearly indicates that low levels of compliance activity promote neither the equal opportunity goals of Title IX nor the educational goals of the public schools.

The focus on minimum legal requirements does not necessarily indicate a resistance by school administrators to the achievement of full equity. Instead, it reflects the lack of well-defined equity goals and a rationale for moving beyond minimal legal compliance toward progressively more equitable schools and school systems.

This paper attempts to define and provide a rationale for full equity in terms of outcomes for students and benefits for school districts. It seeks to clarify the relationship of compliance to equity, and to provide a method of analyzing the short- and long-term costs and benefits for students and schools of both minimal and maximal equity responses. In addition, it presents some implications for action based on the goal of full equity.

II. DEFINITION OF EQUAL OPPORTUNITY

Because Title IX was enacted by the United States Congress as, essentially, an extension of Title VI of the 1964 Civil Rights Act, the legislation is commonly under-

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stood to be in the spirit of equal opportunity. Yet, experience with Title VI has demonstrated that the elimination of overtly discriminatory practices does not of itself insure equal opportunities for educational and occupational accomplishments.

Equal opportunity, like equity, is a general concept about which there are many common assumptions but a variety of definitions. A provocative article by Onora Nell (1976) attempts to define what we mean when we say that opportunities are equal. Nell delineates an important distinction between *formal* and *substantive* interpretations of the concept of equal opportunity. The formal interpretation, according to Nell, holds that once rules are fair, a society is an equal opportunity society, even if groups have disproportionate success rates. Such disproportion is justified from the formal perspective on the basis of individual variation in capacities and desires, although, as Nell points out, desires and capacities are generally produced or modified by earlier educational and occupational experiences. Thus, it follows that apparently neutral and nondiscriminatory tests and other selection procedures for educational and occupational attainment often result in disproportionate success in some groups and correspondingly disproportionate failure in others.

The substantive interpretation of equality of opportunity, according to Nell, would equalize the rate of educational and occupational attainment of all major groups based on their proportionate representation in society. If prerequisites or qualifications for admissions or positions are established, says Nell, then these requirements must be met with equal frequency by members of all social groups. This view of equal opportunity justifies the use of quotas and other preferential practices because they confer equal (or less unequal) rewards. From this perspective, fair rules are not enough. Rather, equal opportunity for any experience or result means that individuals must be equally likely, as members of particular groups, to achieve that experience or result. This does not mean that all individuals will be equally successful; there will continue to be gaps between the most and least successful people in each group, provided that the same range of differences exists within other groups. Thus, according to Nell, intergroup not intragroup differences would be eliminated.

III. INTERPRETATIONS OF TITLE IX

Title IX, like Title VI, can be given either a formal or a substantive interpretation. Most common is the formal perspective, which views Title IX as a mandate to eliminate discriminatory practices in school systems and provide both sexes equal access to all programs and activities. Continuing disproportion in classes, clubs, sports, and employment is not in itself a violation of the law and is thus generally considered to be the result of individual differences and choices.

Both the Title IX Statute and the implementing Regulation contain language that can also be interpreted from a substantive equal opportunity perspective. They go beyond the prohibition of nondiscrimination and mandate equal benefits from educational programs, i.e., that individuals shall not "on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...."

According to attorney Charles Guerrier in his legal handbook on Title IX (1978), these three protections (participation, benefits, nondiscrimination) are not functionally equivalent. It is possible to provide two of them, participation and nondiscrimination, without the third, provision of equal benefits from educational programs. Guerrier cites *Lau* v. *Nichols*, in which the Supreme Court ruled that equal participation did not provide equal benefits for which, the Court said, affirmative efforts would be necessary.

The Title IX implementing Regulation goes well beyond the language of Title VI in the specificity of its provisions because it is based on legal and administrative precedents established over the years in the enforcement of Title VI (Fishel and Pottker 1977: p. 107). In Section 86.3, the Regulation requires "remedial steps to eliminate the effects of any discrimination" and permits "affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex."

According to Guerrier, case law suggests that remedial action required by the Federal government to overcome the continuing effects of past discrimination may include utilization of sexual classifications in order to remedy past recognized violations. He indicates that although affirmative action to overcome the effects of limited participation by persons of a particular sex is purely voluntary in the absence of a finding of past discrimination, "in some instances it may be appropriate to actually resort to the 'preference' method, if the goal sought to be achieved is of a compelling nature and can be achieved no other way" (p. 75).

IV. LONG-RANGE OUTCOMES

Interpretation of the Title IX mandate—formal or substantive—depends largely on the outcomes desired. The formal approach seeks elimination of sex discriminatory policies and practices, while the substantive view promotes equal success rates among males and females. School district focus on minimum compliance activities designed to eliminate overt discriminatory practices and provide access to school opportunities has not significantly altered disproportionate participation and achievement rates for males and females. Diesel mechanics, calculus, and baseball still attract few girls; child care, fine arts, and cheerleading, few boys. Girls continue to lag behind boys in achievement tests, career preparation, and physical prowess. Boys, on the other hand, exhibit higher levels of underachievement, maladjustment, and greater behavior and truancy problems than do girls.

The formal interpretation of equal opportunity implies that continued disproportion in participation and achievement reflects individual ability and preference. However, students may not have the information, experience, and skill to make informed choices. Ability is limited by prior experiences, and preference colored by the subtle influence of sex bias and sex role stereotyping. Thus, neither ability nor preference may be adequate criteria for important educational and occupational choices.

The substantive view of equal opportunity requires that to insure equal success rates among females and males, quotas and preferences are appropriate short-term measures. However, the highly controversial nature of such actions makes them difficult to promote as methods to achieve equity in the public schools. Events, however, may ultimately force a reconsideration of quotas as the only guarantor of equity.

For the purpose of this discussion, the substantive equal opportunity goal of equal success rates for females as a group and males as a group is accepted, but not the use of quotas to achieve it.

V. DEFINITION OF EQUITY

The notion of equal success rates can serve as a focal point for dialogue about appropriate long-term goals for the equity enterprise. Clearly defined goals, in turn, permit the development of strategies for their achievement.

The definition of *educational sex equity* proposed in this paper combines the formal equal opportunity goal of equal access with the substantive equal opportunity goal of equal success rates.

Educational Sex Equity can be defined as the elimination of sex discrimination, bias, and stereotyping in all school structures, policies, and practices and the promotion of proportionately equal educational and occupational attainments between females and males.

V. STAGES OF EQUITY

The Equity Continuum

The two approaches (formal and substantive) to equal opportunity delineated by Nell (1976) have different goals, but the substantive equal opportunity goal of equal success rates has as a precondition the formal equal opportunity goal of equal access. The clear directionality of these equal opportunity perspectives suggests a continuum. The formal equal opportunity phase begins with a move from the initial stage of discrimination to the elimination of discriminatory policies (stage two). This action is fundamental to change, since official policies represent a codification of the philosophy of a school district. Stage three is the elimination of discriminatory practices. Nondiscriminatory policies and practices arising from stages two and three lead to fair rules and equal access, which represent the final stage of formal equal opportunity. This fourth stage also represents full legal compliance.

Fair rules and equal access, while overcoming discriminatory barriers provide only limited equity, however, since, as Nell points out, fair procedures may have a disproportionate result when people from some groups have had a history of discrimination. Stage four (equal access) can be considered the first stage of substantive equal opportunity as well as the last stage of formal equal opportunity. It is the basis for stage five, affirmative programs, designed to promote increased levels of participation in all areas by underrepresented groups. Such programs might include recruitment, compensatory training, and extra support services.

Affirmative action is a weaker mechanism to insure equal participation and success rates than are quotas and preferences which, according to Nell, are vital to the goal of substantive equal opportunity. The modification of quotas to affirmative action places what may seem undue confidence in the good will of educational systems. However, a real commitment to affirmative programs can promote higher levels of equity, albeit without the insurance of specified quotas based on representation in the population.

Affirmative programs should lead to equal participation rates (stage six) in all categories (courses of study, athletics, employment, extracurricular activities, etc.). Equal participation rates tend to produce equal success rates (stage seven), which provide an equal range of benefits and rewards such as money, status, and power for all social groups. This is the final stage of substantive equal opportunity and reflects the achievement of full equity.

The Compliance Continuum

While the term *equity* is generally used to represent the spirit of Title IX, compliance connotes the letter of the law. A series of sequential stages in compliance have been identified by Shirley McCune. (Kaser et al. 1980: pp. iv, 16-17, and subsequent personal communication).

A system first moves from no action at all into paper compliance, stage two. Paper compliance means completion of the procedural requirements of the Regulation—minimal training and information within the district—but continuation of violations. Pocket compliance is stage three; although it represents movement beyond paper compliance, responses to legal requirements are fragmented and only minimum levels of staff and financial resources are allocated to the effort. There are isolated individual efforts toward equity while some legal violations remain. Systemwide compliance, the fourth stage, proposed by McCune in a personal conversation with the author, indicates that a system has fulfilled its legal requirements. The goals of compliance, according to McCune, are access to programs, the elimination of within-class segregation, the establishment of a sex-fair curriculum, and role models of both sexes. Compliance with the law leads to "the development of affirmative programs which can stabilize these changes and result in full educational equity" (Kaser et al. 1980 pp. iv-15). This is the fifth stage, characterized by commitment and operational programs.

The Equity/Compliance Continuum Relationship

McCune's compliance continuum, therefore, provides equal access (former equal opportunity) and culminates with affirmative efforts to promote full equity (substantive equal opportunity). This construct fits nicely into the equity continuum described earlier. It is important to note that the stages of compliance do not exactly mirror the linear stages of the equity continuum because they reflect uneven systemic adaptations to Federal requirements. In that sense, the compliance continuum is more empirically based than the idealized stages of the equity continuum. Figure 1 portrays the relationship of McCune's stages of compliance to the equity continuum.

Figure 1 — Equity/Compliance Continuum Relationships

EQUITY CONTINUUM

FORMAL EQUAL OPPORTUNITY SUBSTANTIVE EQUAL OPPORTUNITY

1	2	3	4	5	6	7
Discrimination (No Equity)	Elimination of Discriminatory Policies	Elimination of Discriminatory Practices	Fair Rules/ Equal Access	Affirmative Programs	Equal Participation Rates	Equal Success Rates (Full Equity)
No Action	Paper Compliance	Pocket Compliance	Systemwide Compliance	Commitment/ Operational Programs		
1	2	3	4	5		

COMPLIANCE CONTINUUM (McCUNE)

VII. RESPONSES TO TITLE IX

School district responses to Title IX may be analyzed in functional terms, which involve the assessment of short-

and long-term, intended and unintended consequences for system maintenance and growth. There is evidence that the short-term advantages for schools of minimal compliance activities are frequently nullified after a period of time. Unresolved equity issues often result in adverse relationships with internal and external groups, negative publicity, complaints filed with the Federal government, or lawsuits with the court. Conversely, strongly affirmative responses may in the short term seem dysfunctional for a system but in the long run prove cost efficient; they may save the excessive amounts of time, money, and disruption that go into responding to complaints, court suits, community and teacher organization pressures for change, and into the repetition of compliance activities.

Beyond these costs, it is also dysfunctional for school systems to ignore the long-term consequences of failure to provide students with the skills, knowledge, experiences, and motivation to explore nontraditional courses and careers. Although occupational segregation is still a social reality, numerous opportunities now exist, and are expanding, for women and men to engage in hitherto proscribed or delimited vocations. Family structures and roles are also changing. These shifts in both the domestic and occupational spheres require an affirmative response by public schools so that students will be able to respond appropriately.

Two key areas will be reviewed to gain some perspective on the degree to which Title IX implementation efforts have been a response to the letter or the spirit of the law, and on the short- and long-term intended and unintended consequences for school districts of these efforts. The two areas are the procedural and curriculum-related portions of the Regulation.

School District Responses to Procedural Requirements

Title IX procedural requirements were adopted by the government in order to encourage local school districts to monitor and remedy sex discrimination in their systems without Federal interference. These requirements are: 1) designation of a Title IX coordinator; 2) development and dissemination of a nondiscrimination policy statement; 3) development and publication of fair and efficient grievance procedures; 4) a district-wide self-evaluation to identify and remedy discriminatory policies and procedures; 5) filing of a formal assurance of compliance with the government. Voluntary compliance has been minimal, however, according to research findings and observation in the field. In most agencies, "self-evaluations are not comprehensive, sex biased attitudes persist in staff and faculty, and no effort is made to promote Title IX nor examine programs in-depth for sex discrimination" (Miller and Associates, 1978: p. 14).

Many school districts report that they are in compliance with Title IX while, according to in-depth analyses or site visits made to corroborate self-reports, they are actually *not* in compliance. Paper compliance and superficial changes are most characteristic. (In the Michigan Department of Education survey, conducted in 1979, 99 percent of the State's school districts were found to be not in full compliance with all five of the procedural requirements [p.66].) In most school districts, a Title IX coordinator has been appointed; however, that person ordinarily holds other (often multiple) responsibilities, spends a fraction of her or his time on Title IX matters, lacks a job description, and is torn between conflicting roles—advocate, compliance officer, and defender of the institution (Miller and Associates 1979: p. 21). Thus, role definition is influenced primarily by the top administrator's level of commitment.

Self-evaluation is the procedural mechanism with the greatest potential for achieving and maintaining equity. Many districts completed a superficial self-study several years ago and have never updated or expanded it. Self-evaluation reports rarely contain recommendations for remediation and modification as required by the Regulation. In Michigan, only 14 percent of the school districts surveyed had both of these elements in their self-evaluations (p. 67). According to the study conducted for the Office of Education, HEW, by the Rand Corporation, most school districts did not involve teachers, students, or community in the process, and failed to produce a summary report for distribution for a "clear agenda for action" (Hill and Rettig 1980: p. 40).

Internal grievance procedures by which persons can help school district administrators identify and remedy sex discrimination are seldom used. That is, in part, because the procedural mechanisms are generally not well publicized in schools and communities (p. 11). Further, many school district grievance procedures that do not work fairly and expeditiously as required by the Regulation involve a great deal of time and stress for individuals with complaints. "The entire burden of formulating and pressing the complaint is on the grievant" (p. 11).

The minimal compliance activities characterizing public school response to the procedural requirements of the Title IX Regulation are intended in the short run to keep districts out of trouble with Federal bureaucracy and maintain access to Federal financial support. In the short term, such minimal responses have the advantage of requiring little cost, labor, or time to be taken from other school enterprises. In the long term, however, what seemed originally a cost-effective approach to compliance, frequently escalates into an expensive nightmare for school administrators. Teacher associations and community organizations publicize the Title IX requirements along with individual rights and Federal complaint procedures. Pressure is applied to administrators to repeat the procedural activities; periodic monitoring is conducted by internal and external groups; and the news media are alerted to Title IX violations.

More serious, complaints are filed with the Federal government and lawsuits are filed in the courts. Federal investigations require considerable staff time to retrieve, analyze, and submit the required documentation and to "host" on-site investigations. Unforeseen results often include negative local publicity, costly remedies, and confrontation with Federal officials and local groups. Often the top administrator and policymakers find that assurances of compliance provided in response to self-evaluation surveys

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by building-level administrators were inaccurate or inadequate or both, rendering those responsible for compliance personally vulnerable.

These long-term unintended consequences are a reversal of those intended by school administrators. Rather than keeping Federal officials out, noncompliance invites investigation. Instead of being inexpensive, the cost becomes prohibitive. Community activism is not stemmed, it is exacerbated.

Unintended consequences for school districts may also result from studies that explore the low level of compliance with procedural regulations nationally. The Rand report, for example, concludes with a series of recommendations which, if accepted by the Federal government, would tighten up the procedural requirements and reporting mechanisms. The report holds that "local action is the key to the implementation of the civil rights guarantees" (Hill and Rettig 1980:38), and recommends that the Federal government clarify the procedural requirements and inform the public about the existence and use of these mechanisms (p. 39).

School District Responses to Curriculum and Instruction Issues

Differences between minimal and maximal compliance and equity actions relating to the curriculum have the most profound and far-reaching consequences for students. The Title IX Regulation provides that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or other education program or activity. . . ." (Section 86.31). To date, only one of these three protections—nondiscrimination—has been seriously addressed by most school administrators. Most course offerings are now available to all students regardless of sex. Participation rates, however, although changed, are still disproportionate in courses traditionally oriented to one sex or the other. The Title IX Regulation requires an analysis of disproportionate enrollments to determine whether discrimination in counseling materials or techniques is responsible. Such analysis is not undertaken by school districts where the prevailing view is that enrollment figures reflect student choice. Only 40 percent of the Michigan districts surveyed had established procedures to insure that bias in counseling was not responsible for disproportionate enrollments (p. 68).

Curriculum ghettoes persist and should, by their very nature, raise suspicions about the degree to which students have the information, training, experiences, role models, and teacher and counselor support to make informed choices. For example, the large disparity in numbers of boys, as compared to girls, taking advanced mathematics is not solely the result of differences in student interest. Several studies demonstrate that boys who take advanced mathematics do so because they believe it to be important to their career goals, not because they like the subject better than do girls (Rappaport 1978:196).

While greater numbers of females than males suffer from math anxiety, even the most adept female math students tend not to take advanced courses. Higher mathematics has not been sex designated, but without affirmative efforts to interest girls in the career potential of math, enrollment figures remain the same. Few remedial programs have been established in the public schools for girls deficient in math-related skills such as spatial visualization, while remedial reading programs geared primarily to assist boys are a standard feature of the curriculum from the elementary grades through high school.

Differential enrollment patterns are most apparent in vocational education. According to a study conducted for the government by American Institutes for Research (AIR) (Harrison and Dahl 1979) on equity in vocational education programs throughout the country, "in 1979 enrollment patterns are overwhelmingly sex segregated and . . . progress in reducing sex segregation since 1972 has been minimal" (p. 3).

The AIR study also found that "no more than one-third [of local school districts] are sponsoring or conducting specific activities aimed at fostering greater sex equity" (p. 18). Further, "there is clear evidence that those schools putting the most effort into various kinds of activities to further equity are also those experiencing the greatest amount of nontraditional enrollment" (p. 20).

The third Federal mandate—that students shall not "be denied the benefits of" education programs—has the greatest implications for equity. The key question is: In what ways might students of one sex be receiving fewer benefits from instruction than students of the other sex? Are male students in a sewing class discouraged by the teacher from threading the machines because "boys are so careless and clumsy"? Are females in a physical education class prevented from trying to compete against the male or combined male/female presidential physical fitness norms "because the boys will be embarrassed if girls outperform them"?

The Title IX Regulation does not provide guidelines for determining whether benefits derived from education programs are unequal for females and males. It acknowledges that bias in curricular materials is a serious matter but does not address the issue. Sex bias and stereotyping in curriculum content, curricular materials, and instruction are not specifically prohibited. Staff training and information to change biased practices and provide nonsexist educational experiences for students are not required. Without the elimination of bias and stereotyping based on sex, however, both female and male students are unfairly limited to a narrow range of behaviors, roles, and career options. This, in turn, represents a real denial of the full benefits to be derived from education programs that impinge on future educational and occupational choices.

As demonstrated earlier, each action of the school district in response to Title IX bears long- and short-term, intended and unintended, consequences.

School districts must, therefore, evaluate each response carefully in terms of its consequences. Consider, for example, the implementation of a truly coeducational physical education program, kindergarten through twelfth grade, after an intensive training and information program for staff, students, and parents. The short-term intended consequence of such a program is obedience to the law and revision of the physical education curriculum around fitness and lifetime sports. Other short-term consequences involve the spending of time and money to conduct training, establish new procedures, and overcome resistance. The long-term intended result is to provide quality education equally for male and female students and to remedy the disparities in student ability that are based on prior inequities in experience and training.

Unplanned positive consequences of such program implementation include (as reported by professionals) improved staff communication, better teaching practices, increased girls' skills in competitive sports and boys' in individual sports, and better attitudes toward physical education among both girls and boys who are not athletically

gifted.

On the other hand, dysfunctional long-term unintended consequences, such as resegregative practices within classes, may also result. Other negative unanticipated consequences of a combined program may be the loss of female physical education staff through the establishment of apparently neutral job criteria that more men than women can fulfill.

Dysfunctional consequences can be avoided with more long-range planning for equity, planning that includes careful assessment of sex equity needs, design of a series of activities based on those needs, consideration of possible consequences of proposed activities, continuous evaluation of activities to determine if goals are being met, and redesign of activities and strategies as necessary.

VIII. IMPLICATIONS FOR ACTION

Since the passage of Title IX by Congress in 1972, many new possibilities for growth, participation, and success have become available to both females and males in the nation's schools. In many school districts, however, responses to Title IX have been more cosmetic than fundamental. Overall participation and success rates of females and males, while changing, are still only minimally altered.

It is the central thesis of this paper that failure to establish full equity as a goal is in the long run severely dysfunctional for students and schools; it is costly in both financial and human terms and creates disjuncture between the schools and society. While maximal equity responses to Title IX may appear radical now, they are essentially practical and cost-effective when viewed from a long-range perspective.

Investigations of factors related to the level of compliance indicate that although urban school districts report a higher priority for Title IX than do rural school districts (Miller and Associates 1978:15), no systematic differences have been found in Title IX compliance among regions of the country or among districts with different levels of previous civil rights activity (Hill and Rettig 1978:7). Further, no consistency exists among regions or States when ranked according to percentage of female participation in high school interscholastic athletics, school administration, and traditionally male vocational courses (PEER 1979).

The single factor cited as most related to the level of compliance activity is the degree of commitment, leadership, and support from school superintendents. Of Title IX coordinators surveyed in Region X, 85 percent indicated that administrative support is an important factor in successful implementation of Title IX while 70 percent reported that they do not have such support (Miller and Associates 1978:16).

The Rand report (Hill and Rettig 1980) indicates that while leadership from the chief administrator is important, other conditions are necessary for successful implementation of Title IX. One of these conditions is pressure for change "from both the federal government and interested parties within the institutions or in the communities served by them" (p. 36). To Title IX professionals, it has long been apparent that while administrative support is important for change to occur, leadership can indeed emanate from a variety of sources. In some school districts the impetus for change has come from community groups and in others from teacher organizations. Occasionally, a lone parent or teacher is responsible for significant change in one or several parts of the school system, often in the area of athletics.

Leadership for school district responsiveness to Title IX can also come from the State department of education and from Federally funded Title IV projects focusing on sex desegregation.

The major Federal impetus for change, of course, is the Office for Civil Rights (OCR), which is the agency responsible for enforcement of Title IX. However, the extreme sensitivity of OCR to political pressure has resulted in unclear and inconsistent enforcement and interpretation of the regulations.

A leading advocate for sex equity in education, Holly Knox, Director of the Project on Equal Education Rights (PEER), asserts that "cutting off funds is the only way to get school districts and colleges to stop discriminating against women. . . . There's no evidence that they will act for any other reason except under court order, under massive monetary damages, or under the threat of losing federal money" ("An Interview . . ." 1979:519).

The Rand report (Hill and Rettig 1980), on the other hand, indicates that "federal pressure is . . . a real factor in institutional decisionmaking" (p. 37). Cynthia Brown, former Assistant Secretary for Civil Rights, admits that OCR is not initiating enforcement proceedings or terminating Federal funds with anything like the frequency it did in the sixties, but indicates that the agency has been successful in negotiating compliance in most Title IX areas ("An Interview . . ." 1979:518).

Momentum for Title IX compliance and equity can come from a variety of sources. No matter what the source, action will be more or less functional for students and schools if long-range outcomes are clearly defined and strategies for change geared to those outcomes. Desirable outcomes proffered in this paper have to do with equalizing participation and success rates for males and females. □

REFERENCES

"An Interview on Title IX with Shirley Chisholm, Holly Knox, Leslie R. Wolfe, Cynthia G. Brown, and Mary Karen Jolly." 1979 *Harvard Educational Review* 49(4):504-526.

Bornstein, Rita
1980 *National Survey on the Impact of Title IX on Public Schooi Systems*. Southeast Sex Desegregation Center, University of Miami.

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Fishel, Andrew, and Janice Pottker
1977 *National Politics and Sex Discriminaton in Education*. Lexington, Mass.: Lexington Books.

Guerrier, Charles
1978 *Title IX and the Achievement of Equal Educational Opportunity: A Legal Handbook*. Washington, D.C.: Resource Center on Sex Roles in Education, Council of Chief State School Officers. HEW Contract No. 300-78-0493.

Harrison, Laurie R., and Peter R. Dahl
1979 *Vocational Education Equity Study*. Palo Alto: American Institutes for Research, U.S. O.E. Contract No. 300-77-0318.

Hill, Paul T., and Richard Rettig
1980 *Mechanisms for the Implementation of Civil Rights Guarantees by Educational Institutions*. Santa Monica: Rand Corporation. 65p. (ERIC Document Reproduction Service No. ED 190 719).

Kaser, Joyce, et al. (Comps.)
1980 *Training and Legal Resources Notebook: Regional Conference on Compliance and Training for Title IV Grantees*. Washington, D.C.: Department of Education, Office of Equal Educational Programs. (Not available for distribution.)

Michigan Department of Education, Office for Sex Equity in Education.
1979 *The Report on a Review of Michigan School District Compliance with Title IX*.

Miller and Associates, Inc.
1978 *The Status of Title IX in Region X: An Evaluation of Models and Barriers to Implementation of Title IX of the Education Amendments of 1972, for Region X of the U.S. Department of Health, Education and Welfare*. Olympia, Washington. HEW Contract No. 101-77-0003. 178p. (ERIC Document Reproduction Service No. 177 250).

Nell, Onora
1976 "How Do We Know When Opportunities Are Equal?" In Carol C. Gould and Marx W. Wartofsky (Eds.), *Women and Philosophy: Toward a Theory of Liberation*. Pp. 334-346. New York: G. P. Putnam's Sons.

Project on Equal Education Rights
1979 *Back-to-School Line-up: Where Girls and Women Stand in Education Today*. Washington, D.C.

Rappaport, Karen D.
1978 "Sexual Roles and Mathematical Expectations." *The Math Journal* 12(3):195-198.

U.S. Department of Health, Education and Welfare, Office of the Secretary
1975 "Prohibiting Sex Discrimination in Education." *Federal Register* 40(108)Part II:24128-24145.
1979 "Intercollegiate Athletics: Sex Discrimination." *Federal Register* 40(239):71413-71423.